
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

ARE YOU LISTENING YET PAC, and
TRACIE HALVERSON,

Plaintiffs,

v.

DEIDRE HENDERSON, Lieutenant
Governor of the State of Utah, in her official
capacity

Defendant.

[PROPOSED] ORDER

CASE NO:

Before the court is Plaintiffs' Motion for Injunctive Relief. Based on the motion and the reasons set forth therein,

IT IS HEREBY ORDERED that the motion is GRANTED and the following relief will be entered:

1. The February 15, 2024 deadline in Utah Code §§ 20A-7-105(5)(a)(i) and (5)(b) is unconstitutional. The deadline for submissions of signatures in support of the Restoring the Utah State Flag initiative will be set for 5 p.m. on July 8, 2024
2. The 30-day signature packet deadline in Utah Code § 20A-7-105(5)(a)(i) and (5)(b) is unconstitutional. The Lieutenant Governor will accept and order all county clerks to accept valid signatures on packets submitted after 30 days of the first signature but before the final deadline of 5 p.m. on July 8, 2024. The Lieutenant Governor will order all county clerks

to count valid signatures on packets previously submitted and rejected owing to the 30-day deadline.

3. The 316-day deadline in Utah Code § 20A-7-105(5)(a)(i) and (5)(b) is unconstitutional. The Lieutenant Governor is enjoined from enforcing this deadline and will order all county clerks to not enforce this deadline.
4. The packet retrieval prohibition under Utah Code § 20A-7-105(10) is unconstitutional as applied to packets that have been wholly rejected. The Lieutenant Governor will order all county clerks to return packets that have been wholly rejected for reasons other than the now-enjoined 30-day deadline to the signature collector in the packet.
5. The two-signature limit for initiative sheets detailed in Utah Code § 20A-7-203(3) is unconstitutional. The Lieutenant Governor Henderson must approve a signature page for statewide initiatives that can accommodate 10 signatures on or before March 1, 2024.
6. The prohibition against knowingly signing an initiative petition more than once under Utah Code § 20A-7-213(1)(b) is unconstitutional as applied to signers whose previous signature has been rejected. Lieutenant Governor Henderson is enjoined from enforcing this provision against signers whose names have previously been rejected as invalid.
7. The warning required on signature sheets warning against knowingly signing an initiative petition more than once under Utah Code § 20A-7-203(f)(iv) is unconstitutional as applied to signers whose previous signature has been rejected. AYLY PAC, Ms. Halvorsen and other sponsors of Restoring the Utah State Flag may add “if the individual’s previous signature has not been rejected” following “or to knowingly sign the individual’s name

more than once for the same measure” in the warning at the bottom of each petition page that they print. Lieutenant Governor Henderson must order all county clerks to consider these pages valid to assess signatures. Lieutenant Governor Henderson will incorporate this change onto the new signature page previously ordered.

8. Lieutenant Governor Henderson will order all county clerks to provide the names of rejected signatures publicly in the same manner as certified signatures and will disclose them in the same manner as certified signatures are disclosed under Utah Code § 20A-7-105(6)(a)(ii)(B) or order county clerks to provide rejected names to the signature collector who verified the packet.
9. The restrictions paying signature gatherers in Utah Code § 20A-7-104(1), (2), (3) are unconstitutional. Lieutenant Governor Henderson is enjoined from enforcing these provisions.
10. The residency requirement for signature gatherers in Utah Code § 20A-7-105(4)(a)(i) is unconstitutional. Lieutenant Governor Henderson is enjoined from enforcing this provision.

DATED this ____ day of February, 2024.

BY THE COURT:

Name
Title